

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Young et al.	Confirmation No.:	3135
Serial No.:	10/657,363	Art Unit:	1648
Filed:	September 8, 2003	Examiner:	Hill, Myron G.
For:	ULTRA HIGH AFFINITY NEUTRALIZING ANTIBODIES	Attorney Docket No:	10271-159-999

**COMMENT ON EXAMINER'S STATEMENT REGARDING THE
AVAILABILITY OF IX-493 ANTIBODY**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Examiner's Amendment attached to the Notice of Allowability, mailed February 4, 2010, in connection with the above-identified application, the Examiner provides the following statement regarding the availability of the IX-493 antibody:

IX493 is [a] Fab fragment of MEDI-493, see specification [at] page 11, lines 18-19. MEDI-493 is the same antibody as palivizumab ... Palivizumab is the generic name for Synagis©[sic].

See Examiner's Amendment at page 6. However, Applicants note that the specification at page 11, lines 21-23 recites that "IX-493 (SWSG) is the reference Fab fragment and is *derived* from antibody Medi-493 (see: Johnson et al. (1997) – ref. 23)" (emphasis added). Thus, IX-493 is a Fab fragment but it is not a Fab fragment of MEDI-493.

Figure 1 of the application provides the sequences of the light and heavy chain variable regions of the IX-493 antibody and Table 1 provides the sequences of the complementarity determining regions (CDRs) of the IX-493 antibody (see, *e.g.*, page 8, line 24 to page 9, line 9 and page 24, line 17 to page 25, line 10 of the specification and Figure 1). Thus, the specification sufficiently describes the IX-493 antibody to enable one skilled in the art to make and use the IX-493 antibody.

No fees are believed to be due for filing this Comment. However, in the event that a

fee is required, the Commissioner is hereby authorized to charge Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

Date: May 4, 2010

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